

By: Rodriguez of Travis

H.B. No. 1900

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of land for appraisal for ad valorem tax purposes as qualified open-space land.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 23.51, Tax Code, is amended by amending Subdivisions (1) and (2) and adding Subdivision (9) to read as follows:

(1) "Qualified open-space land" means land that is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area and that has been devoted principally to agricultural use or to production of timber or forest products for five of the preceding seven years or land that is used principally as an ecological laboratory by a public or private college or university. A chief appraiser shall distinguish between the degree of intensity required for various agricultural production methods, including organic, sustainable, pastured poultry, rotational grazing, and other uncommon production methods or systems. Qualified open-space land includes all appurtenances to the land. For the purposes of this subdivision, appurtenances to the land means private roads, dams, reservoirs, water wells, canals, ditches, terraces, and other reshaping of the soil, fences, and riparian water rights. Notwithstanding the other provisions of this subdivision, land that is currently devoted principally to wildlife management as defined by Subdivision (7)(B)

1 or (C) to the degree of intensity generally accepted in the area
2 qualifies for appraisal as qualified open-space land under this
3 subchapter regardless of the manner in which the land was used in
4 any preceding year.

5 (2) "Agricultural use" includes but is not limited to
6 the following activities: cultivating the soil, producing crops
7 for human food, animal feed, or planting seed or for the production
8 of fibers; producing fruits and vegetables; floriculture,
9 viticulture, and horticulture; raising or keeping livestock;
10 raising or keeping exotic animals for the production of human food
11 or of fiber, leather, pelts, or other tangible products having a
12 commercial value; planting cover crops or leaving land idle for the
13 purpose of participating in a governmental program, provided the
14 land is not used for residential purposes or a purpose inconsistent
15 with agricultural use; and planting cover crops or leaving land
16 idle in conjunction with normal crop or livestock rotation
17 procedure. The term also includes the use of land to produce or
18 harvest logs and posts for the use in constructing or repairing
19 fences, pens, barns, or other agricultural improvements on adjacent
20 qualified open-space land having the same owner and devoted to a
21 different agricultural use. The term also includes the use of land
22 for wildlife management. The term also includes the use of land to
23 raise or keep bees for pollination or for the production of human
24 food or other tangible products having a commercial value, provided
25 that the land used is not less than 5 or more than 20 acres. The term
26 also includes the use of land for a nonprofit community garden.

27 (9) "Nonprofit community garden" means land gardened

1 by a nonprofit organization in a neighborhood or community for the
2 purpose of providing without profit fresh produce for the benefit
3 of the residents of the neighborhood or community.

4 SECTION 2. Subchapter D, Chapter 23, Tax Code, is amended by
5 adding Section 23.5215 to read as follows:

6 Sec. 23.5215. GUIDELINES FOR UNCOMMON AGRICULTURAL USES.

7 (a) The comptroller, in consultation with the Texas A&M AgriLife
8 Extension Service, individuals selected by the comptroller who
9 represent appraisal districts, and individuals selected by the
10 comptroller who represent affected producers, shall develop
11 guidelines for determining under what conditions the cumulative
12 effect of multiple agricultural uses of a tract of land meets the
13 degree of intensity generally accepted in the area.

14 (b) The comptroller, in consultation with the Texas A&M
15 AgriLife Extension Service, individuals selected by the
16 comptroller who represent appraisal districts, and individuals
17 selected by the comptroller who represent small-scale producers,
18 shall develop guidelines for determining under what conditions land
19 under 10 acres in size used for the production of fruits,
20 vegetables, poultry, hogs, sheep, or goats qualifies for appraisal
21 under this subchapter. The guidelines must provide that land under
22 10 acres in size that qualifies for appraisal under this subchapter
23 solely on the basis of the guidelines developed under this section
24 may not subsequently qualify under Section 23.51(7) for appraisal
25 under this subchapter if the owner changes the use of the land to
26 wildlife management.

27 (c) The comptroller, in consultation with the Texas A&M

1 AgriLife Extension Service, individuals selected by the
2 comptroller who represent appraisal districts, and individuals
3 selected by the comptroller who are nonprofit community garden
4 stakeholders, shall develop guidelines consistent with the
5 definition provided by Section 23.51(9) for determining whether
6 land qualifies as a nonprofit community garden for appraisal under
7 this subchapter.

8 (d) The guidelines developed under this section may include
9 recordkeeping requirements consistent with normal practices of
10 agricultural operations and nonprofit community gardens.

11 (e) The comptroller, in cooperation with appraisal
12 districts, shall provide educational resources to chief appraisers
13 to assist with the appraisal of land using the guidelines developed
14 under this section and of land using an uncommon production method,
15 such as organic production, sustainable production, and pastured
16 poultry.

17 SECTION 3. Not later than September 1, 2016, the
18 comptroller shall distribute the guidelines required by Section
19 23.5215, Tax Code, as added by this Act, to each appraisal district.

20 SECTION 4. This Act applies only to the appraisal of land
21 for ad valorem tax purposes for a tax year that begins on or after
22 January 1, 2017.

23 SECTION 5. This Act takes effect September 1, 2015.